

Attorney Docket # 4925-193PUS

Serial No. 10/030,502
Amdt. dated January 11, 2005
Reply to Final Rejection dated December 1, 2004

REMARKS

The Final Rejection mailed December 1, 2004 has been reviewed and carefully considered. Claims 1-31 are pending, with Claims 1, 3, 14, 16, 17, 18, and 31 being in independent form.

In the present amendment, Claims 1-4, 7, 10-17, 21, and 27-31 are being amended in order to comply with the Examiner's requirements in the Final Rejection.

The present amendments are being made either for reasons of clarity and/or proper characterization. None of these amendments are being made for reasons of patentability, i.e., none of these amendments should be regarded as narrowing the scope of the previously pending claims in any way, shape, or form.

In the only rejection in the Final Rejection (a §112, second paragraph, rejection), the Examiner noted that the phrase "completed by exposing the circuit to a high temperature" in the preamble of some of the independent claims appeared to be contradict the phrase "the multilayer ceramic technique is one of High Temperature Cofired Ceramics (HTCC) and Low Temperature Cofired Ceramics (LTCC)" recited either in the same independent claim (i.e., Claim 1) or in a dependent claim (e.g., Claim 25). In response to this (and to the Examiner's suggestion to move the "completing" step from the preamble to the body of the claim), independent Claims 1, 14, 16, 17, and 31 are being amended to recite an additional step of "completing the circuit structure including the waveguide by exposing the circuit structure to a heat treatment". The phrase "heat treatment" has support in the originally filed specification at least at page 3, lines 1-3.

Withdrawal of the §112, second paragraph, rejection is respectfully requested.

The Examiner made a series of objections to the claims in the Final Rejection. In response, the appropriate changes, as indicated by the Examiner, are being made in the present Amendment. It should be noted again that none of these changes is being made for reasons of patentability (i.e., the changes are not strictly necessary either under patent law or patent practice). For example, although the term "comprising" is being rewritten as "including" in some claims, there is no legal or practical distinction between the two terms as used in those claims. See, e.g., M.P.E.P. §2111.03 ("The transitional term "comprising", which is synonymous with "including," "containing," or "characterized by," is inclusive or open-ended and does not exclude additional, unrecited

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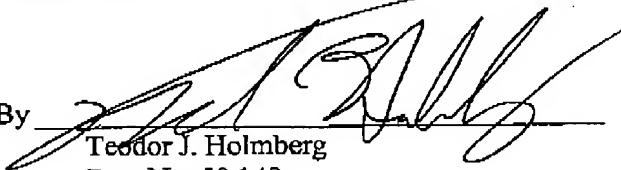
clements or method steps"). Similarly, the change from "one of ...or ..." to "one of ... and ..." is unnecessary under either under patent law or practice, and should not be interpreted as limiting or narrowing the scope of the amended claims in any way. *See, e.g.,* M.P.E.P. §2173.05(i) ("For example, if "wherein R is a material selected from the group consisting of A, B, C and D" is a proper limitation, then "wherein R is A, B, C or D" shall also be considered proper"). As another example, the changes in terms being made herein, such as "form" to "defines", and/or changes in phrases being made herein, such as "are defined between" to "do not extend past", should not be interpreted as limiting or narrowing the scope of the amended claims in any way. As stated before, the changes being made herein are for purposes of complying with the Examiner's requirements, not for reasons of patentability.

Allowance of all presently pending claims is respectfully requested.

Respectfully submitted,

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Dated: January 11, 2005